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7 HONORABLE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

MOTOROLA MOBILITY, INC., et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

No. C10-1823-JLR

DECLARATION OF ROY HARLIN IN
SUPPORT OF MICROSOFT'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

I, Roy Harlin, hereby declare as follows:

1. I am over the age of 21 and make this declaration based on facts within my own personal knowledge.

2. I am currently employed with Microsoft Corporation as the Director of Program Management, Xbox Hardware, a position I have held for approximately three years. In that capacity, I am responsible for the development and delivery of Xbox console hardware.

DECLARATION OF ROY HARLIN IN SUPPORT
OF MICROSOFT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT - 1

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1 3. Microsoft currently markets its Xbox 360 S game console in the following six
 2 configurations and at the following prices, as reflected on Microsoft's official Xbox website,
 3 www.xbox.com: the ("base-level") Xbox 360 S 4GB console (\$199.99); the Xbox 360 S 4GB
 4 console with Microsoft's Kinect motion sensor (\$299.99); the Xbox 360 S 250GB console
 5 (\$299.99); the Xbox 360 S 250GB console with Microsoft's Kinect motion sensor (\$399.99);
 6 the Xbox 360 S 320GB Limited Edition Gears of War 3 console (\$399.99); and the Xbox 360
 7 S 320GB Limited Edition Kinect Star Wars Bundle (\$449.99).

8 4. The 802.11 and H.264 functionality is the same across all configurations of the
 9 Xbox 360 S listed above; *i.e.*, each has the same wireless and video-decoding functionality
 10 provided by the same components and software that come standard with the base-level 4 GB
 11 Xbox 360 S console. Each configuration has the same built-in wireless networking module
 12 that enables a wireless connection to the internet. Each also has a built-in Ethernet port that
 13 enables a connection to the internet without using any wireless technology. Each configuration
 14 has the same ability to stream H.264-formatted video, provided by the same software.

15 5. The ability to play video games on any configuration of the Xbox 360 S is
 16 independent of both the 802.11 and H.264 functionality. Some earlier versions of the Xbox did
 17 not include any such functionality.

18 6. The hard drives in the 250GB and 320GB configurations provide greater
 19 storage capacity than provided by the 4GB flash memory included in the base-level console.
 20 None of these drives provide any 802.11 or H.264 functionality. The Kinect motion sensor
 21 also does not include any 802.11 or H.264 functionality. The two Limited Edition models
 22 include either Star Wars or Gears of War-related games, console designs, and accessories;
 23 none of which include any 802.11 or H.264 functionality.

7. The additional features and functionality referenced in Paragraph 6 (increased storage capacity, the Kinect, theme-based features) are not included in the base-level 4GB Xbox 360 S. None of these additional aspects of the more expensive Xbox 360 configurations implement any 802.11 or H.264 standard-compliant functionality.

8. Microsoft separately markets a 250GB hard drive upgrade to the 4GB Xbox 360 S console, which sells for \$99.99. Microsoft also separately markets the Kinect motion sensor for \$149.99.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 10 day of August, 2011 at Seattle, Washington.

ROY HARLIN

DECLARATION OF ROY HARLIN IN SUPPORT
OF MICROSOFT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT - 3

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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General Instrument Corporation**

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/s/ Linda Bledsoe
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